

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2016/2017

UIL2722 – ISLAMIC LAW II

(All Sections / Groups)

8 MARCH 2017

Reading Time : 2.30 p.m. – 2.45 p.m.
(15 Minutes)

Answering Time: 2.45 p.m. – 5.45 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 3 pages with 5 Questions only.
3. Attempt **ONE** question **ONLY** in **PART A**, and **ALL** questions in **PART B** which are **COMPULSORY**. The distribution of the marks for each question is given.
4. Students are allowed to bring into Examination Hall **CLEAN** and **ORIGINAL** copy of Al Quran Translation.
5. Please write all your answers in the Answer Booklet provided.

PART A (COMPULSORY) – CHOOSE ONE (1) QUESTION ONLY**QUESTION 1**

Ali aged 25 years old was caught by the Ahmad and Abu in front of Jaya Supermarket suspected for stealing Nora's purse which contain a sum of RM5,000. Ali contended that Nora's purse was in his pocket as he was trying to return the purse which fell on the ground whereas Nora said that the purse was placed on the top of her car as she was loading her groceries into the car

Based on the above facts:

- 1) Determine whether Ali is liable for any offence under Islamic criminal law. Explain your answer with relevant authorities.
(20 marks)
- 2) Discuss the application of legal maxim of "matters are determined by the intention" based on Ali's situation. Support your answer with relevant authorities.
(5 marks)

(Total 25 Marks)

OR

QUESTION 2

Prof Mohamed A. 'Arafa in "*Corruption And Bribery In Islamic Law: Are Islamic Ideals Being Met In Practice?*" mentioned that Islamic law has characterized corruption and bribery as grave crimes where in combating these crimes, Islamic criminal rules of evidence and its punishment are outlined by jurists and judges.

Based on the above:

- (i) Explain how corruption and bribery can be punished under Islamic criminal law. Support your answer with relevant authorities.
(15 marks)
- (ii) Describe, with authorities, legal maxim that serves as rule of evidence in establishing liability in crime.
(10 marks)

(Total 25 marks)

Continued

PART B - ANSWER ALL QUESTIONS.**QUESTION 3**

Milah and Mamut married in 1975 and blessed with two daughters and a son. Since 1980, both of them ran a real estate business. In 1995, Milah transferred and gave half of her shares of the business to Abu, her son from her earlier marriage.

Two years ago, Milah died in an auto accident at the age of 56 years. She is survived by her husband, a son, Saad and daughters, Melah Satu and Melah Dua, and their respective husbands Jenal and Joni, as well as Melah Satu's children, Siti Satu, Siti Dua and Siti Tiga, and Melah Dua's children, Pian and Piah. Melah Satu and Melah Dua have always been close, and they consult each other frequently on family matters.

At her death, Milah left a Will which provides:

"I leave one half of my estate to whoever is the head of the family at the time of my death, to hold and manage in trust for the benefit of my granddaughters for their university education, to be allocated among my granddaughters so as to best provide for them all, but my trustee's decision in this matter shall be final. All the rest and remainder of my estate, I leave to the Homeless Children's Orphanage, of Bukit Sebukor, Melaka."

Milah has the following liabilities at the date of her death:

- A mortgage of RM50, 000 on the Bukit Katil property,
- Credit card debt of RM5, 000,
- There are funeral expenses of RM2, 000.

Mamut was in Indonesia for a business trip when the Will was made and Mamut was uncontactable. Mamut only returned home in December 2016 which is two years after Milah passed away. He is now married to an Indonesian lady.

In the light of the above facts, consider all possible claims by the relevant parties in your answer.

(Total: 25 marks)

Continued

QUESTION 4

Gayah and Jassar have had a turbulent marriage for the last five years. Gayah refused to consummate the marriage and she withdrew from cohabitation three years after their marriage. Shortly thereafter, Gayah met Emil and they have been having an affair for several months without Jassar's knowledge. Jassar only came to know about Gayah's relationship with Emil upon bumping into them at one social club.

After the incident, Jassar restricted Gayah from leaving their marital home and warned her "If you ever met or spoke to that man again, I am done with you!". Gayah stayed at home until one week later when she received a phone call from Emil. Desperately and stressfully of seeing Emil, she secretly left her marital home on the day and the relationship continued.

On rage and upon discovering about their rekindled relationship, Jassar and Gayah had a fight. Jassar forced Gayah to have sexual intercourse with her and after two month she was pregnant of 10 weeks and diagnosed with ovary cancer. The doctor advised her to abort the child or she may die.

Give the solution to the above situation from the Islamic legal maxim(s) point of view.

(Note: You are not required to discuss any criminal assault in the above case).

(Total: 25 marks)

QUESTION 5

Discuss the procedures of making a will and inheritance for Muslims' estate in Malaysia.

(Total: 25 marks)

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